

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC.,

Defendant.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

ROCHE DIAGNOSTICS GMBH, *et al.*,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

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No. 03 Civ. 3816 (RJS)  
MEMORANDUM AND ORDER

No. 03 Civ. 3817 (RJS)  
MEMORANDUM AND ORDER

No. 04 Civ. 4046 (RJS)  
MEMORANDUM AND ORDER


RICHARD J. SULLIVAN, District Judge:

Between May 28, 2014 and June 3, 2014, the parties submitted under seal a series of five letters to the Court via email and by hand. Now before the Court are the proposed redacted versions of the letters for public docketing. The Court has reviewed the limited proposed

redactions – designated by the parties in red – to these documents and, with one exception, finds that, in light the need “to prevent a party from being prejudiced by the application of counsel to withdraw,” *see Weinberger v. Provident Life & Cas. Ins. Co.*, No 97 Civ. 9262 (JGK), 1998 WL 898309, at \*1 (S.D.N.Y. Dec. 23, 1998), the parties have overcome the presumption in favor of open records articulated in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). With respect to the second footnote of the May 28, 2014 letter and the redactions designated in blue, however, the parties have not overcome the presumption in favor of open records. Accordingly, IT IS HEREBY ORDERED THAT the parties shall docket the letters with the approved redactions and confirm that the unredacted versions have been filed under seal.

SO ORDERED.

DATED: June 6, 2014  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE